



Southend-on-Sea Borough Council  
Planning Department  
PO Box 6  
Southend-on-Sea  
Essex  
SS2 6ER

**Our ref:** AE/2006/000317/OT-04/SB1-L01  
**Your ref:** TP/100/455/2/ds  
**Date:** 20 April 2011

Dear Sir/Madam

### **Southend-on-Sea Development Management DPD: Proposed Submission**

Thank you for consulting us on the Development Management DPD proposed submission document. We have submitted our representations on your online portal and have provided you with a copy below. We have raised a couple of unsound representations to the plan but feel they can be addressed by minor modifications to the document. We therefore would welcome further discussions with you in advance of the examination sessions.

### **General unsound representation to the plan**

#### **Why is the plan unsound?**

The Development Management DPD has not currently given any consideration to the capacity of foul water infrastructure in the Borough or the impact of growth on water quality. We therefore consider the plan is unsound as it is not justified, effective or compliant with national policy.

The Council completed a Water Cycle Study (WCS) scoping study in March 2009 which identified the '*Southend Wastewater Treatment Works (WwTWs) is currently at capacity and therefore does not have the capability to treat further wastewater flows as a result of increase in development*' (table 5.1). The works discharge to the Thames Tideways which are designated SPA, SAC, RAMSAR and SSSI. The quality of discharge into this environment must not result in the deterioration of water quality under the Water Framework Directive, Habitats Regulations Directive, Bathing Waters Directive and Shellfish Waters Directive.

The WCS also identified that in some areas of the Borough any increase in flows through the network is '*likely to cause an increase in the frequency of diluted but untreated discharges*' into the Thames Tideway (table 5.1). As with the WwTWs, this

Environment Agency  
Cobham Road, Ipswich, Suffolk, IP3 9JD.  
Customer services line: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Cont/d..

has the potential to compromise meeting the objectives of the Water Framework Directive, Habitats Regulations Directive, Bathing Waters Directive and Shellfish Waters Directive. Although not specifically identified, it can also be expected that there could be local surcharges in the system which would lead to local flooding and pollution incidents.

The scoping study does not consider the options, viability or timings associated with upgrading the infrastructure and consequently it advises further investigation is required. Southend Borough Council have commissioned a detailed WCS and aimed to publish the draft in May 2010 however we understand this has been significantly delayed. Whilst the detailed WCS needs to be completed as soon as possible to provide information on how and when the issues will be address, it is clear from the information within the scoping report that a policy is required to ensure the impact of new development on foul water infrastructure and water quality is considered. Not considering these issues in the planning process could not only result in a failure in Water Framework Directive, Habitats Regulations Directive, Bathing Waters Directive and Shellfish Waters Directive targets, but it would conflict with other aims of the Councils LDF such as protecting international and national sites for nature conservation and promoting tourism.

The Sustainability Appraisal (SA) does not appear to have assessed or considered water quality issues associated with foul drainage. Whilst we note that objective NR2 of the Sustainability Appraisal is *'to maintain and improve the quantity and quality of ground, sea and river waters, and minimise risk of flooding'*, only policies DM2 and DM16 are rated as *'likely to contribute to the achievement of greater sustainability according to the likely objective'*. This however relates to the aspect of the objective requiring improvements to water quantity, not quality. For the majority of policies in the Development Management DPD, this objective is rated as *'no identifiable relationship between the topic covered in the policy and the sustainability concern'*.

The importance of ensuring there is adequate infrastructure is recognised by national planning policy. Planning Policy Statement (PPS) 1: Delivering Sustainable Development states that there is a requirement to base policies on a *'recognition of the limits of the environment to accept further development without irreversible damage'* (paragraph 19). Furthermore, the PPS 1 Supplement: Planning and Climate Change states that in selecting land for development, consideration needs to be given to the *'capacity of existing and potential infrastructure'* with specific mention of sewage and sewerage (paragraph 2.4). PPS 12: Local Spatial Planning (paragraph 4.8) requires Local Planning Authorities to support policies with evidence of the infrastructure requirements required to facilitate proposed development.

### How can it be sound?

Currently the only reference in the Southend LDF requiring new development to consider the impacts of growth on infrastructure appears to be in policy KP2 of the adopted Core Strategy which states development should *'not place a damaging burden on existing infrastructure'*. There is however no specific reference to foul water infrastructure or the impacts of development on water quality.

In light of the WCS scoping report findings we feel it necessary for the Development Management DPD to include a policy requiring developers to demonstrate that there is capacity in the WwTWs and sewer network serving the Borough.

We suggest the following (or similar) is recommended to the inspector as a minor amendment to Policy DM15 'Environmental Protection'. It is recommended that this wording is also agreed with Anglian Water and Natural England.

Supporting Text [New subsection after paragraph 6.6]

*'Foul Water Infrastructure'*

*The Essex Thames Gateway Water Cycle Study – Scoping Report (dated March 2009) identified that Southend Wastewater Treatment Works (WwTWs) is currently at capacity. It also identifies increases in flows through parts of the sewerage network is likely to cause an increase in the frequency of diluted but untreated discharges from the system. These systems discharge to the Thames Tideways which are a sensitive environmental receptor and designated SAC, SPAs, RAMSAR and SSSI. The discharges are also required to meet the requirements of the Water Framework Directive, Habitats Directive, Shellfish Waters Directive and Bathing Waters Directive.*

*Applicants should engage in pre-application discussions with Anglian Water and the Council to discuss these issues. All planning applications will be required to demonstrate that there will be capacity in the WwTWs and network before the development comes online.*

Policy Requirement [New point in the policy]

*'3. Applications for new development need to demonstrate there is adequate capacity in the foul water network, including the foul sewerage network and receiving wastewater treatment works, or that arrangements have been implemented for the necessary improvements to be in place in advance of the development.'*

You may also consider it appropriate to include water quality as a key indicator in the monitoring framework (appendix 1 of the DPD).

## **Comment on Policy DM2**

We generally support the ambitions of the Council set out in policy DM2. Given the pressures on water resources in the region, we particularly support the measures to increase water efficiency in new development and promote retrofitting in existing development. It is also pleasing that the multiple benefits of urban greening have been acknowledged in the supporting text such as absorbing rainfall, filtering pollution and promoting biodiversity. Given the highly urbanised nature of the Borough, it will be necessary for developers to consider innovative measures to achieve this such as green/ brown roofs and walls.

We are however disappointed that the part of the policy addressing waste efficiency in the Issues and Options consultation has been removed (point 5 of I&O policy DM4). The Development Management DPD provides an opportunity to promote the consideration of waste as early as possible during the development design phase to ensure that minimal volumes of waste arise during the construction of the development, and the demolition at the end of its life. Developers should also be encouraged to consider how they will incorporate recycled/recovered materials into the building programme, including the use of secondary and recycled aggregates, and re-use of any on-site demolition waste. It is unclear why this part of the policy

has been removed. We note that the Sustainability Appraisal has also raised this concern.

### **Support of Paragraph 2.36**

It is pleasing that paragraph 2.36 will require tall and large buildings to exceed the Code for Sustainable Homes and BREEAM standards.

### **Comment on Policy DM6**

This policy addresses a number of environmental issues including flood risk, coastal change and biodiversity. Whilst we are generally supportive of the policies ambitions, including points 1 (i-ii) and 2 (i-iii), the policy only relates to the Seafront area of Southend. These environmental issues will however also need to be considered for development in other areas of the Borough. We have considered this concern and although there is not another policy in the Development Management DPD which will address these issues, policy KP1 and KP2 of the adopted Core Strategy does include general development principles on these issues. Therefore, whilst it is disappointing that a more detailed policy on issues such as fluvial and surface flood risk has not been included, we do not feel there is sufficient reason to raise this as a soundness issue.

We also note that the supporting text does provide some commentary which is applicable to elsewhere in the Borough, particularly with regards to managing flood risk and coastal change. With regards to this the council should be aware that any funding provided by us for flood defences is not guaranteed and future investment in flood defences will require greater contributions from communities and businesses. We are also disappointed to note that point 2(i) in Issues and Option policy DM7 has been removed. This required an emergency plan to be in place for developments and forms an part of managing flood risk and ensuring people remain safe. We assume this amendment has been discussed with and got agreement from your emergency planning department in accordance with PPS 25.

### **Unsound representation to Policy DM15**

#### **Why is the plan unsound?**

We must currently find policy DM15 unsound as it is not consistent with national policy set out in Planning Policy Statement 23: Planning and Pollution Control.

Whilst we welcome this policy which will protect controlled waters on sites affected by contamination, we draw your attention to the requirement of point 1iii. This part of the policy states that '*remediation works will be carried out before the occupation of any new development*'. It is not however always possible for such works to be carried out at this stage of the development as buildings and other infrastructure on the site may prevent the required works from taking place.

We would also query the wording of point 1ii. Whilst point 1i requires applicants to submit contaminated land assessments with their application to establish any risks on the site, it may not always be appropriate to condition remedial works. This is supported by paragraph 2.44, 2.55, 2.60 and 2.61 of PPS23 annex 2.

**How can it be sound?**

To address our concern regarding point 1iii of the policy we suggest the following minor amendment is suggested to the inspector:

*'(iii) remediation works will be carried out before the commencement of any new development'*

With regards to our comment relating to point 1(ii) we suggest the Council consider the following minor amendment:

*'(ii) where contamination is found which would pose an unacceptable risk to peoples health, the natural environment or water quality the Council will impose a condition, if appropriate, to ensure the applicant undertake appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.'*

We look forward to future discussions with you to address the concerns we have raised.

Yours faithfully



**Miss Jo Hardwick  
Planning Liaison Officer**

